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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION ONE

MICHAEL BERRY et al.,  
Plaintiffs and Appellants,  
v.  
CITY OF ANTIOCH et al.,  
Defendants and Respondents.

A121130

(Contra Costa County  
Super. Ct. No. CIVMSC05-02593)  
**ORDER MODIFYING OPINION**  
[NO CHANGE IN JUDGMENT]

**THE COURT:**

It is ordered that the opinion filed herein on November 10, 2009, be modified in the following particulars:

1. On page 7, the second full paragraph, consisting of one sentence, is modified by deleting the word “denied” and inserting the word “granted.” The sentence will now read:

The trial court properly granted the motion for summary judgment.

There is no change in the judgment.

Date: November 16, 2009

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Marchiano, P. J.